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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,795	07/14/2003	Naoto Yanagihara	2003-0933A	4086

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EXAMINER

SMALLEY, JAMES N

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,795

Applicant(s)

YANAGIHARA, NAOTO

Examiner

James N Smalley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art VCR in view of Sullivan US 2,371,557.

The Prior Art VCR teaches a rectangular plate having opposite hinge pins to be supported by the counter bearings of a front panel of a device, but does not teach a recess for located a coil spring.

Sullivan '557, in the embodiment of figs. 1-5, teaches a hinge comprising a recess located along a longitudinal edge of a lid (2) of a spectacle case, and a coil spring (14) disposed therein, for biasing the lid. In col. 3, lines 9-13, we are taught one end of the spring is fixed in a notch (15) on the lid, and the other end is fixed to container tongue (7).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Prior Art VCR, providing the coil spring in a recess along the longitudinal edge of the cover, as taught by Sullivan '557, motivated by the benefit of centrally-locating the hinge to avoid undue stress on the hinge.

Furthermore, changing the location of the coil hinge is a mere change in location of parts. It is the Examiner's assertion that locating the coil hinge at another point along the axis is well within ordinary skill, and does not comprise an unexpected result beyond routine experimentation. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

3. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art VCR door, in view of Vance US 1,720,020.

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The Prior Art VCR door of figs. 4-5 teaches a rectangular plate (1) having pivot pins (2) being supported by counter bearings, but does not disclose a notched recess with a resilient member fixed to the recess.

Vance '020 teaches a hinged locker door (14) having a coil spring (21) fixed in a recess by engagement pins (22), and with opposite end extensions (23) and (24) on the plate and front panel, serving to bias the door to the closed position. The reference teaches in col. 1, lines 8-10 the benefit of the invention is the spring "may be readily positioned and will not add materially to the cost or difficulty of construction."

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the spring bias door of the Prior Art VCR, providing the spring fixed in a recess, and held by engagement pins, motivated by the benefit of readily positioning the spring without adding materially to the cost or difficulty of the construction. Furthermore, although the spring of Vance '020 is located within the locker frame, it would be obvious to locate the spring on the door, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

4. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art VCR in view of Frank US 4,456,145 and in view of Sullivan US 2,371,557.

The Prior Art VCR teaches a rectangular plate having opposite hinge pins to be supported by the counter bearings of a front panel of a device, but does not teach a recess for located a coil spring.

Frank US 4,456,145 teaches a door having a coil spring located in a recess, but does not teach engagement pins.

Sullivan '557, in the embodiment of figs. 1-5, teaches locating a coil spring (14) in between engagement pins, for biasing a lid to an open position (2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Prior Art VCR, providing the coil spring in a recess along the longitudinal edge of the

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cover, as taught by Frank '145, and further locating the pin between engagement pins, as suggested by Sullivan '557, motivated by the benefit of centrally-locating the hinge to avoid undue stress on the hinge.

Furthermore, changing the location of the coil hinge is a mere change in location of parts. It is the Examiner's assertion that locating the coil hinge at another point along the axis is well within ordinary skill, and does not comprise an unexpected result beyond routine experimentation. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

5. Claims 3-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior Art VCR in view of Tamaki US 5,651,163.

The Prior Art VCR teaches a rectangular plate having opposite hinge pins to be supported by the counter bearings of a front panel of a device, but does not teach a recess for located a coil spring.

Tamaki '163 teaches locating a spring (33) in a recess between engagement pins (222) and (222'), inward of a hinge pin (111), to bias a door. Pin end (39) is engaged against case (2) and pin end (31) is inserted into a groove (112). It is known that locating a biasing force closer to the center of a lid reduces moments about the door and promotes a more balanced, even forcing.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the Prior Art VCR door, placing the spring within a groove between engagement pins, inward of a hinge pin, as suggested by the structure of Tamaki '163, motivated by the benefit of locating the biasing force closer to the center of the door to promote a more balanced, even forcing by the spring.

Furthermore, changing the location of the coil hinge is a mere change in location of parts. It is the Examiner's assertion that locating the coil hinge at another point along the axis is well within ordinary skill, and does not comprise an unexpected result beyond routine experimentation. It has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

Response to Arguments

6. Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,588,624	US 4,456,145
US 6,520,367	US 3,136,445
US 5,509,529	US 2,557,048
US 5,461,755	US 2,308,284
US 4,685,558	US 1,139,771

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James N Smalley whose telephone number is (703) 605-4670. The examiner can normally be reached on M-Th 9-7:30, Alternate Fri 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young can be reached on (703) 308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jns



Stephen K. Cronin
Primary Examiner